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"Student-First" Approach: A Paradigm Shift for Professionals Working with Children and Young People Involved with the Juvenile Justice System

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A STUDENT-FIRST APPROACH

A young person's primary focus during the early phase of life is to learn—largely in the classroom, but also at home, in the community, with friends and family, from observation and at times, from mistakes. However, most youth involved with the juvenile justice system are not described as students or viewed as learners. Instead, they are identified by institutional terms such as clients or residents, or worse, pejorative ones such as suspects, criminals or delinquents. This reference point is about more than mere language; it represents a significant, albeit subtle, shift in expectations and priorities. When these words are used to describe this population, the primary role of "learner" is not recognized, and the emphasis is not on expectations of educational/vocational success. Instead, the focus is on their level of security, their potential for harm, and their likelihood of recidivism.

While these are all important considerations, if this population is to be empowered to become independent citizens, capable of supporting themselves and their families, those who work with them must approach them as students first—students who have made mistakes, students with challenges, students in need of assistance. Like all students, they are learning to manage a still-developing set of executive functions and sense of self. In addition, though, many of these students also grapple with disabilities, disadvantage, and/or the inequities brought on by disproportionately harsh responses to their transgressions. None of these should diminish their right and opportunity to access an education and career.

Terminology Matters

There is a growing tendency to use the term "learner" rather than "student" to reflect an awareness that learning happens everywhere, and is not confined to traditional schools—often a wise and appropriate observation. The choice to use "students first" to describe this approach is a deliberate one, intended to convey that these young people require learning environments, whether in the classroom, in the field or on the job, that are formal, thoughtful, and well-designed. Learning, on the other hand, is an instinctive, organic process that can occur anywhere, originates with the learner and can happen whether an instructor is present or not.

The term "student" not only expresses a more direct connection to formal learning but also emphasizes the need for a responsible adult who serves as an advisor, mentor, instructor or teacher. While learning, and the learner, are of utmost importance to any educational/vocational endeavor, the term "student" reminds us of our responsibilities to that learner's growth and preparation for an independent adulthood, irrespective of justice involvement.

Given the large number of individuals working with each child involved with the juvenile justice system, this outlook must be shared, especially by educators and juvenile justice professionals who have common responsibilities to enhance the youth's growth and pathway toward a positive outcome. Shifting to a student-first approach with children and youth who are justice-involved requires a number of important considerations for those who work with them, both from within the field of education and outside of it. Collaboration and communication across all entities are required to develop and implement effective plans that comprehensively address each individual as, above all, a student with potential. This brief suggests several areas of focus in developing a student-first approach, including: utilizing a student-driven plan; addressing disabilities; resetting or reforming school discipline and overall climate; strengthening transitions; accessing appropriate alternative settings; and, fostering family engagement. Facilitating this paradigm shift is not only the key to the success of these students; it is also our moral, civic and social obligation.

Initial Consideration

Does each youth you work with have a student-driven plan?
(see *Student Voice Drives Success, below*)

Student Voice Drives Success

As described in the previous brief by Moore and Mahoney (2016)*, the student-driven plan is one of the cornerstones of the PathNet Initiative and is developed and owned by the student with support from providers. It is based on a strength-based assessment with the alignment of the youth's interests and skills relating to the end-goal of a career and living-wage employment. Short-term objectives are aligned with each service provider to support progress toward the end goals. The plan serves as a tool to monitor progress and mid-stream alterations. It drives accountability when outcomes are shared among providers, thus stimulating relationship-building and helping to break down system silos. Most importantly, it provides the student with direction and hope.

* *Juvenile Justice and Education Partnerships: What Are You Waiting For?* Available online at: https://rfknrcjj.org/resources/education/

DISABILITY

Many people are surprised to learn that some studies place the proportion of students with disabilities in the juvenile justice system at 65-70%—three times the national average.[1] It is no coincidence, however; it can be both causal to their justice system involvement and symptomatic of the systemic failings regarding these students. A retrospective look at the path many children travel toward juvenile justice involvement shows multiple points at which a different direction could have been taken — often these have to do with ensuring access to appropriate services, informed and active advocacy, and early intervention and prevention. These areas are important for all students, but crucial for students challenged by a disability. One could make the case that students with moderate disability but minimal advocacy are frequently those who end up involved with the juvenile justice system.[2] Without strong advocacy to access services and to provide a different lens through which to view their challenges, their behaviors are often seen as volitional and anti-social. Instead of more restorative responses, which might result in more successful intervention, youth without advocacy often receive more punitive consequences. Adding further complexity to this issue is the fact that significant numbers of students involved with juvenile justice are impacted by childhood trauma, sometimes causing disability, often exacerbating it.

In order to appropriately address the impact of disability upon juvenile justice involvement, treatment, rehabilitation, and student success, the field must engage in targeted research and data collection. Currently, there is a dearth of such research. Where it does exist, variations in definitions of disability and the absence of a universal screening protocol mean that even when a connection between disability and juvenile justice involvement seems indisputable, facts about the most effective individualized interventions or system supports are not definitively known. As long as students with disabilities are heavily involved with the juvenile justice system, research must also evaluate whether that system is effective in achieving desired outcomes for these students. While the efforts of the last ten years to reform the juvenile justice system to be more developmentally appropriate are impressive, it cannot stop here. The system needs to be optimized for the continuum of growth and development of the average child or teenager, as well as effectively serve students with different challenges than their typically developing peers.

1   The Arc's National Center on Criminal Justice and Disability (NCCJD). (2015). *Justice-Involved Youth with Intellectual and Developmental Disabilities: A Call to Action for the Juvenile Justice Community.* http://www.thearc.org/file/15-037-Juvenile-Justice-White-Paper_2016.pdf See also: Skowyra, K. R. & Cocozza, J. J. (2015). *Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System.* National Center for Mental Health and Juvenile Justice.

2   Tulman, J. (2003). *Disability and Delinquency: How Failures to Identify, Accommodate, and Serve Juveniles with Education-related Disabilities Leads to Their Disproportionate Representation in the Delinquency System.* Whittier Journal of Child and Family Advocacy.

While the field engages in effective and definitive research on the causality, correlation, and interrelation of disability and justice involvement, there is work that professionals can do in the meantime. Informed and active advocacy on behalf of justice-involved students with disabilities can provide a developmentally appropriate lens through which to view a student's behaviors, hypothesize responses to potential intervention, and identify appropriate supports for prosocial growth. Team members who provide this view–and therefore defy tacit assumptions about the volition, strengths, and challenges of these young people–also offer the student an opportunity for true intervention and individualized planning that considers the whole learner as they move toward adulthood. When viewing the youth through a student-first lens, it is paramount that individualized learning styles, specially designed instruction, and needed accommodations are constantly woven throughout all educational and vocational learning opportunities.

Initial Consideration

Does each student's plan provide a clear view of individual challenges and strengths, especially in relation to educational and vocational needs?

DISCIPLINE AND CLIMATE

We know that students who positively engage with education are less likely to enter the juvenile or adult justice system.[3] However, in recent years this protective factor has become a risk factor for many. The adoption of "zero tolerance" disciplinary policies that disproportionately push out students most in need of school support has created what is commonly referred to as the "school-to-prison pipeline."[4] These zero tolerance policies hinder a school's ability to deliver a high-quality education and have much more dire outcomes for subsets of schools' populations. According to the Civil Rights Data Collection Data Snapshot, "black students are suspended and expelled at a rate three times greater than white students," and "students with disabilities are more than twice as likely to receive an out-of-school suspension than students without disabilities."[5] These disciplinary policies also frequently employ

law enforcement and, at times, the inappropriate use of mental health crisis services rather than school administration intervention, exposing students to the criminal justice system much more frequently.

Though attention is being paid to the school-to-prison pipeline through legislative reform in some states, many schools are ill-prepared to deal with behavior in a new way, and change is slow in coming. There are, however, a number of resources available and an emerging field of study that points to the strength and positive outcomes of alternative behavioral intervention models that employ comprehensive school climate, social emotional learning, restorative justice and interventions (see *Improving School Climate,* below). These positive youth development models have multiple benefits. First, they are focused on the growth of the whole person, in addition to content knowledge, which if embraced can negate, or at least alleviate, justice involvement. Second, in schools where these models are employed, far more content knowledge is able to be learned, since the needs of the whole student are addressed. The benefits yielded by the positive engagement of the individual learner with their school community, and the supports and growth provided by such programming, are truly exponential. When educators engage in the delivery of these models, and juvenile justice professionals support and advocate for their use, the focus on the youth as a student first is enhanced.

A positive school culture of balanced and developmentally supportive discipline matched with meaningful student leadership teaches the skills required to successfully live and work in our world. It also is a perfect match for a student-centered plan that is individualized and requires real-life relevance in educational decisions. Whether a justice-involved student is returning from an institution or is seeking a better fit in the community in the hopes of avoiding deeper justice involvement, critical thought about finding the best fit of school climate, discipline, and educational delivery is imperative. Finding these educational settings is sometimes difficult, requiring advocacy, knowledge, and even detective work. The adults who work with these students must strike the balance of guiding them through this process, even as they facilitate student voice and choice throughout. Viewing the youth as a student first can be tremendously enhanced when discipline is approached with positive interventions and the surrounding climate is uplifting and affirmative.

Initial Consideration

Is positive youth development a cornerstone of your system's practice?

3   Fabelo, T., et al. (2011). *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Student Success and Juvenile Justice Involvement.* New York: Council of State Governments Justice Center. https://csgjusticecenter.org/wp-content/uploads/2012/08/Breaking_Schools_Rules_Report_Final.pdf

4   Amurao, C. (2013). *Fact Sheet: How Bad Is the School-to-Prison Pipeline? See also:* Kang-Brown, J., Trone, J., Fratello J., and Daftary-Kapur, T. (2013). *A Generation Later: What We've Learned about Zero Tolerance in School.* Center of Youth at the Vera Institute of Justice. https://storage.googleapis.com/vera-web-assets/downloads/Publications/a-generation-later-what-weve-learned-about-zero-tolerance-in-schools/legacy_downloads/zero-tolerance-in-schools-policy-brief.pdf

5   U.S. Department of Education Office of Civil Rights. (2014). *Civil Rights Data Collection Data Snapshot: School Discipline.* https://ocrdata.ed.gov/downloads/crdc-school-discipline-snapshot.pdf

TRANSITIONS

For any student, transitions between living arrangements, schools, classrooms, or grade levels are critical moments that can have both positive and negative consequences. For students involved with the juvenile justice system, these transitions are even more crucial and more frequent due to the complexity of juvenile justice involvement. Although there is knowledge of what factors make transitions successful — focusing on adding to students' capacity for human, social, and personal capital; strong communication and interface between systems; strength-based planning and engaged, supportive advocacy[6] — the complexity of facilitating a variety of stakeholders around a student's transition is challenging. The challenges are compounded when these stakeholders have divergent views on what constitutes positive outcomes, underscoring the need for a commonly shared youth-driven plan that holds system providers accountable, especially when focusing on evolving short-term goals such as the successful navigation of transitions. Viewing the youth with a student-first focus assists in recognizing how transitions directly impact learning and long-term success.

An excellent example of using a student-driven approach to guide the direction of a transition plan can be found in Palm Beach County, Florida where each youth, upon entering the juvenile justice system, is assessed across multiple domains using the Positive Achievement Change Tool (PACT) to initially identify the risk to reoffend while also supporting the transitional needs of program placement and after care services. This tool is then adapted and used prior to and after community placement or residential treatment to identify goals that are developed by the youth and parent/guardian to drive the Youth Empowered Success (YES) plan. Additional assessments are given, as needed, to determine progress and drive alterations of the YES plan to impact changes in the transition.[7]

Resources are a chronic issue for those attempting to address the needs of justice-involved students, and communities should maximize the benefit of those directly targeting this population. For many years, Title I, Part D of the Every Student Succeeds Act (ESSA) has provided funds for the education, and specifically for the transitions, of what the law refers to as "neglected and delinquent" students. What is lacking, however, is clear guidance and support on the use of these resources under ESSA in its most recent rulemaking phase. States and local educational agencies seeking to improve partnerships to support successful transitions among placements for students involved in the juvenile justice system often blaze their own trail and questions about the status of state plans under ESSA in the current administration only add to the confusion. Education and juvenile justice entities should seek out the technical assistance of the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC) for best practices, current information, and guidance in order to ensure these funds are used in a manner that maximizes their efficacy for youth in the application of Title I, Part D funds.[8]

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6 Gagnon, J.C., & Richards, C. (2008). *Making the Right Turn: A Guide about Improving Transition Outcomes of Youth Involved in the Juvenile Corrections System.* Washington, DC: National Collaborative on Workforce and Disability for Youth, Institute for Educational Cleadership.

7 Altschuler, D. and Bilchik, S. (2014). *Critical elements of Juvenile Reentry in Research and Practice.* Justice Center, The Council of State Governments. http://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/

8 The National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth. https://www.neglected-delinquent.org/

Initial Consideration

Does the student-driven plan have a transition section that addresses policies, procedures and/or protocols regarding current and anticipated transitions between juvenile justice and education? Is this section understood and supported by the youth, juvenile justice officials (detention staff, probation officers, etc.) and education/vocation personnel (teachers, instructors, mentors, etc.)?

ALTERNATIVE CHOICES

When identifying an educational placement for students who are justice involved, it is important to make decisions based upon the strengths, needs, and voice of each student. Thus, a return to a traditional school setting may sometimes be appropriate, but should not be considered as the only choice. A one-size-fits-all return to public school overlooks a significant population of students involved in the juvenile justice system who will never obtain a traditional high school diploma by the end of their 12th grade. These are the youth who are denied access back into their local school; have a learning style that requires a non-traditional environment; have so few credits, given their age, that high school graduation is unattainable; or, those who simply have reached a point at which a high school setting is no longer a good fit. The numbers may be staggering. For example, in King County, Washington, a review of all youth on probation or in detention found that approximately 70% were not attending school and/or had so few credits given their age that graduation was unattainable.[9] Yet, almost all efforts were to return these youth to the public schools.

Consequently, learning communities need to rethink what is best for youth who are not high school bound. One innovative example can be found at the Georgetown campus of South Seattle College. In the "Pathways Through Apprenticeship" programs, GED instructors are teamed with apprenticeship faculty to provide hands-on and project-based instruction related to industrial manufacturing on a college campus. Students complete their GED while gaining pre-apprenticeship knowledge and job skills that can result in college credit, stackable certificates (i.e. a sequence of credentials that can be accumulated over time to achieve credits, degrees and upward mobility within jobs, apprenticeships and careers), degrees, or acceptance into apprenticeship programs with the end-goal of a living wage job and career. This contextualized learning approach is often referred to as an I-BEST (Integrated Basic

As we determine best practice in what hopefully becomes a constellation of choices, it is important also to identify standards and consistent evaluation systems for these alternative programs. Currently very few standards and evaluation systems exist, and this lack of measurement and accountability creates wide variation in the efficacy and quality of programming available. While some settings are exemplary, others are mere warehouses. Some accountability measures used in alternative settings include: readiness to receive education (based on attendance and behavior); demonstration of learning (based on credit accumulation, course completion, academic growth and/or proficiency); and readiness for college and career (based on graduation status, course completion, ACT Scores, workforce readiness assessments and post-completion success).[11] If we are committed to considering these youth as students first, we must also ensure that their educational settings are held to the same level of accountability that more traditional schools must maintain.

Initial Consideration

Does each youth have a menu of program choices that provide a direct link to their education/vocational goals and are a good fit for the circumstances in which they live?

FAMILY ENGAGEMENT

There is overwhelming evidence that family engagement has a major influence on student achievement and life productivity. For example, students who are supported by families tend to earn higher grades, pass more tests, attend school more often, demonstrate better social skills, employ more positive behaviors and therefore have a higher graduation rate leading to increased post-secondary education when compared to youth without family involvement.[12] In some cases, parents and close relatives may not be available due to challenges such as incarceration, drug use, unaddressed mental health needs, domestic violence, and/or neglect. Consequently, the term "family" includes foster parents, surrogates and any other adults who serve in a mentoring and guiding role for the youth.

9   Rinaldi, L. & Ashley, N. (2012). *King County Uniting for Youth Implementation Evaluation; Washington Models for Change.* John D. and Catherine T. MacArthur foundation (2012).

10 Integrated Basic Education Skills Training (I-BEST). Washington State Board for Community and Technical Colleges. http://csgjusticecenter.org/youth/posts/critical-elements-of-juvenile-reentry-in-research-and-practice/

11 Deeds, C. & Malter, Z. (2016). *What Can States Learn About College and Career Readiness Accountability Measures from Alternative Education?* College & Career Readiness & Success Center, American Institute for Research.

12 Henderson, A. & Mapp, K. (2002). *A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement.* National Center for Family and Community Connections with Schools. http://www.sedl.org/connections/resources/evidence.pdf

Additional time away from learning opportunities caused by justice-involved activities such as court appearances, restitution-related activities, mandatory meetings and/or incarceration, creates an intense need to maximize family engagement. *The Family Guide to Getting Involved in Your Child's Education at a Juvenile Justice Facility and NDTAC Toolkit: Facility Toolkit for Engaging Families in Their Child's Education at a Juvenile Justice Facility,* both prepared by the National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth, are excellent tools to provide guidance on family engagement.[13] This guide provides parents with very specific steps to assist in family participation with education in facilities and, fortunately, can easily be adapted and applied to public school settings.

Given the benefits of family engagement and the high rate of disproportionality regarding youth of color in the juvenile justice system, another important concern is the need to encourage family involvement among diverse cultural communities, including non-English speaking family members. At times, some parents who do not speak or understand English find themselves unable to engage in the educational system, especially if they rely on their children as interpreters. The same scenario can occur within the juvenile justice system. It was this need to break down cultural and language barriers that inspired an exemplary family and community engagement program at Federal Way School District in Washington State.[14] There was a realization that undesired and previously unidentified barriers were institutionally ingrained in the way public school culture interacted with parents by using written notices, newsletters and large events as a primary way to engage families. The district decided to add a phone system that used many languages and hire a family liaison for each school campus whose primary role was to engage parents in a nontraditional way by making personal contacts. In addition, a handbook, translated into more than 100 languages, was developed as a supplement to help families navigate the education bureaucracy. These actions have resulted in improved student engagement, connection, participation, and success.

Increasing the level of engagement of caring adults connected with a justice-involved student in implementing a student plan increases the likelihood of success, and assisting family members who wish to support their students can also remove

barriers. Just as it is necessary to challenge the existing paradigm and see youth involved in the juvenile justice system as students first, the view of students' families must also be changed to one of team member in their educational and vocational success.

Initial Consideration

Are family members authentically involved in the planning and decision making for justice involved students? If so, could their involvement be increased and if not, what would be the first step to initiate family engagement?

CLOSING

The underlying premise of juvenile justice is that youth are not adults. Their mistakes should be seen as warning signs requiring intervention rather than punitive measures and the high stakes of entering the adult-justice system. Education is among the most powerful of these interventions. Therefore, it should not be a radical departure to consider these youth as students first. However, the current reality is that all too often the focus is clearly on the juvenile justice involvement and the student is seen only in the parallax view, if at all. We propose that only a slight shift is needed—look head-on and with clarity at the student, and their justice involvement will be far more likely to be a temporary situation.

About the Authors

Leigh Gallivan Mahoney has over 25 years' experience educating and advocating for students marginalized by disability and disadvantage. Her roles in education encompass teaching, administration, advocacy, policy, and consultation. Leigh brings extensive experience in creating student-centered programming and integrated and collaborative systems in the public schools, special education settings, and in the child welfare and juvenile justice systems. Leigh is currently in the role of Senior Director of Education at Robert F. Kennedy Children's Action Corps, a role which allows her to advocate for and develop programming that supports all students. Leigh has an M.Ed. in Education Administration from American International College.

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13 See *Family Guide to Getting Involved in Your Child's Education at a Juvenile Justice Facility* https://neglected-delinquent.ed.gov/sites/default/files/docs/NDTAC_FamilyGuide.pdf; and, *NDTAC Toolkit: Facility Toolkit for Engaging Families in Their Child's Education at a Juvenile Justice Facility* https://neglected-delinquent.ed.gov/resource/ndtac-toolkit-facility-toolkit-engaging-families-their-childs-education-juvenile-justice

14 Rowe, C. (2017). *Q&A: Trise Moore, the Federal Way educator getting national recognition for engaging families in schools.* The Seattle Times. https://www.seattletimes.com/education-lab/for-bridging-gaps-between-schools-and-familes-federal-way-educator-earns-national-honors/